THOMAS P. RILEY, SBN 194706 LAW OFFICES OF THOMAS P. RILEY, P.C. First Library Square 1114 Fremont Avenue South Pasadena, CA 90071 Tel: 626-799-9797 Fax: 626-799-9795 TPRLAW@att.net **Attornevs for Plaintiff** GARDEN CITY BOXING CLUB, INC. 7 UNITED STATES DISTRICT COURT 8 NORTHERN DISTRICT OF CALIFORNIA 9 10 GARDEN CITY BOXING CLUB, INC., **CASE NO. C 07-05925 MMC** 11 12 Plaintiff, PLAINTIFF'S APPLICATION FOR AN ORDER EXTENDING 13 TIME TO COMPLETE SERVICE; VS. 14 AND CONTINUE INITIAL CASE 15 **MANAGEMENT CONFERENCE;** MIGUEL JUAREZ ZAVALA, et al. **AND ORDER (Proposed)** 16 17 Defendants. 18 TO THE HONORABLE MAXINE M. CHESNEY, MIGUEL JUAREZ 19 ZAVALA, DEFENDANT, AND HIS ATTORNEY OF RECORD: 20 21 On November 26, 2007, Plaintiff's Complaint was filed against Defendant 1. 22 Miguel Juarez Zavala, (hereinafter referred to as "Defendant"). As of this writing, Plaintiff has not yet served the initiating suit papers on 2. 24 defendant Miguel Juarez Zavala. 25 26 27 28 PLAINTIFF'S APPLICATION FOR AN ORDER EXTENDING TIME TO COMPLETE SERVICE; AND ORDER (Proposed)

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3. Plaintiff has recently identified a new address it believes will be valid and effective to perfect service of process against defendant Miguel Juarez Zavala. (Defendant Zavala Corp. has been dismissed from this action.)

4. In fact, Plaintiff has been attempting service at new address dillgently since being made aware of it and is confident a brief additional extention of time will enable the process server to complete process.

WHEREFORE, Plaintiff respectfully requests that the Court permit an additional fourteen (14) days from today's date to effectuate service of the Summons and Complaint filed in this matter, or to file a motion for service by publication, or in the alternative, a Notice of Voluntary Dismissal as to Defendant Miguel Juarez Zavala.

Plaintiff additionally and respectfully requests this Honorable Court continue the Case Management Conference, presently set for Friday, April 18, 2008 to a date approximately fourteen (14) days forward.

Respectfully submitted,

Date: April 16, 2008 /s/ Thomas P. Riley

LAW OFFICES OF THOMAS P. RILEY, P.C.

By: Thomas P. Riley, Esquire Attorneys for Plaintiff Garden City Boxing Club, Inc.

PLAINTIFF'S APPLICATION FOR AN ORDER EXTENDING TIME TO COMPLETE SERVICE; AND ORDER (Proposed)

ORDER (Proposed)

The Court, upon review of Plaintiff's request and representations presented in the above-entitled matter hereby orders the following:

Plaintiff is granted an additional fourteen (14) days from today's date to effectuate service of the Summons and Complaint filed in this matter, or to file a motion for service by publication, or in the alternative, a Notice of Voluntary Dismissal as Defendant Miguel Juarez Zavala where service has not been made or service by publication requested.

It is further ordered that the Case Management Conference presently set for Friday, April 18, 2008 is hereby continued to Friday, May 2, 2008.

Plaintiff shall serve a copy of this Order on Defendant Miguel Juarez Zavala, and file a Certificate of Service of Order promptly thereafter.

IT IS SO ORDERED:

Date:

HONORABLE MAXINE M. CHESNEY

United States District Court Judge Northern District of California

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PLAINTIFF'S APPLICATION FOR AN ORDER EXTENDING TIME TO COMPLETE SERVICE; AND ORDER (Proposed)

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PROOF OF SERVICE (SERVICE BY MAIL)

I declare that:

I am employed in the County of Los Angeles, California. I am over the age of eighteen years and not a party to the within cause; my business address is First Library Square, 1114 Fremont Avenue, South Pasadena, CA 91030. I am readily familiar with this law firm's practice for collection and processing of correspondence/documents for mail in the ordinary course of business.

On April 16, 2008, I served:

PLAINTIFF'S APPLICATION FOR AN ORDER EXTENDING TIME TO COMPLETE SERVICE; AND CONTINUE INITIAL CASE MANAGEMENT CONFERENCE; AND ORDER (Proposed)

On all parties in said cause by enclosing a true copy thereof in a sealed envelope with postage prepaid and following ordinary business practices, said envelope was duly mailed and addressed to:

Miguel Juarez Zavala (Defendant) 2316 Cooley Avenue Palo Alto, CA 94303

I declare under the penalty of perjury pursuant to the laws of the United States that the foregoing is true and correct and that this declaration was executed on April 16, 2008, at South Pasadena, California.

Dated: April 16, 2008 <u>/s/ Terry Houston</u>

TERRY HOUSTON

PLAINTIFF'S APPLICATION FOR AN ORDER EXTENDING TIME TO COMPLETE SERVICE; AND ORDER (Proposed)

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